

## PAY INDEMNITY TO JUAN SORIANO

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FEBRUARY 12, 1925.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

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Mr. TEMPLE, from the Committee on Foreign Affairs, submitted the following

### REPORT

[To accompany H. R. 9297]

The Committee on Foreign Affairs, to which was referred H. R. 9297, "A bill to authorize the payment of an indemnity to the Government of the Dominican Republic on account of the death of Juan Soriano, a Dominican subject, resulting from the landing of an airplane belonging to the United States Marine Corps at Guerra, Dominican Republic," having given careful consideration to the bill, reports it to the House without amendment and with the recommendation that the bill do pass.

The facts which justify the passage of this bill are set forth in a letter from the Secretary of State, dated April 30, 1924, to the President. This letter was transmitted by the President to Congress on May 1, 1924, in a special message, in which the President recommended an appropriation in the sum fixed in the bill which is now reported. The President's message and the letter of the Secretary of State are as follows:

*To the Congress of the United States:*

I transmit herewith a report respecting a claim against the United States for the death on October 2, 1923, at Guerra, Dominican Republic, of Juan Soriano, a Dominican subject, who was killed by the landing of an airplane belonging to the United States Marine Corps, with the request that the recommendation of the Acting Secretary of the Navy, as indicated therein, be adopted, and that the Congress authorize the appropriation of the sum necessary to pay the indemnity as suggested by the Acting Secretary of the Navy,

I recommend that, in order to effect a settlement of this claim in accordance with the recommendation of the Secretary of State, the Congress, as an act of grace, and without reference to the legal liability of the United States in the premises, authorize an appropriation in the sum of \$2,000.

CALVIN COOLIDGE.

THE WHITE HOUSE,  
May 1, 1924.

**The President:**

The undersigned, the Secretary of State, has the honor to submit with a view to its transmission to the Congress, the following report and recommendation respecting a claim presented for the death on October 2, 1923, at Guerra, Dominican Republic, of Juan Soriano, a Dominican subject, who was killed by the landing of an airplane belonging to the United States Marine Corps.

From the evidence available it appears that Capt. Harold D. Campbell, United States Marine Corps, stationed at Observation Squadron No. 1, Second Brigade, Santo Domingo, Dominican Republic, took off at the aviation field in a plane belonging to the Marine Corps to go to the gunnery savanna, about 15 miles northeast of the flying field, in order to give certain instructions in flying and making landings to his crew. While adjusting the stabilizer of his plane, which is the custom just previous to making a landing, a sharp blow was felt on the right wing of the plane, and immediately on opening the throttle it was ascertained that the right wing had struck some object, which at the time was believed to have been a stump.

The pilot immediately landed the plane and found that the object struck was a Dominican native, who apparently was on horseback, as a horse was seen running from the scene of the accident, and the day following a saddle and equipment were found near where the accident occurred. The body was brought to the city by airplane and prepared for burial at the base hospital of the marine brigade. Local civil authorities were notified and viewed the body, a permit for burial was obtained, and the body buried at 2 p. m., October 3, 1923. All expenses for the burial were borne by the United States Government. Prior to burial photographs of the body were taken and copies furnished the local civil officials, together with the personal effects of the deceased. All possible efforts were made by both the local civil authorities and the military authorities to determine the identity of the deceased, who afterwards appeared to be Juan Soriano.

Capt. Harold D. Campbell, the pilot of the airplane, voluntarily appeared before Señor Luis Bonithy, judge of public instruction, and related the details of the accident. Also a court of inquiry was ordered by the military authorities to inquire into all the circumstances of the accident. The court expressed the opinion that "the accident was unavoidable and was not due to the fault or negligence or inefficiency of any person or persons in the naval service or connected therewith." The matter was referred to the Navy Department for investigation and in a letter to the State Department on March 18, 1924, the Acting Secretary of the Navy confirmed the existence of the essential facts which gave rise to the claim as set forth above, and suggested that, if the claimants would agree to accept the sum of \$2,000 as a fair and reasonable compensation, recommendation be made to the Congress for the enactment of necessary legislation.

From the record it appears that the deceased was between 35 and 38 years of age, was a butcher on a small scale, having two small shops in the district in which he lived. His average profits, according to his widow, were about \$20 gold a week, his debts at the time of his death are stated to have been about \$400, and he left no cash estate. He was survived by a widow and five children, one of whom has since died. The oldest child is a boy about 12 years of age, who is capable of earning about 20 cents a day when he works. The youngest, at the time of the father's death, was 1 month old.

A summary of the essential facts taken from the reports on file in the case being embodied in this communication, it is deemed unnecessary to accompany it with correspondence in the case, but all or any part of that correspondence will, of course, be furnished should the Congress so desire.

The Secretary of State acquiesces in the recommendation of the Acting Secretary of the Navy, and has the honor, therefore, to request the President to recommend to the Congress, as an act of grace and without regard to the question of legal liability, the authorization of an appropriation in the sum of \$2,000, in payment to the widow and children for the death of Juan Soriano, a Dominican subject, which resulted from the landing of an airplane belonging to the United States Marine Corps at Guerra, Dominican Republic.

It will be noted from the inclosed communication from the Director of the Bureau of the Budget, to whom the matter was referred, that the proposed action is not inconsistent with the financial program of the Government.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,  
Washington, April 30, 1924.

